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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 CISCO SYSTEMS, INC.,

13 Plaintiff,

14 v.

15 ARISTA NETWORKS, INC.,

16 Defendant.

Case No. 5-14-CV-05344-BLF

**DEFENDANT ARISTA NETWORKS,  
INC.'S FIRST SET OF  
INTERROGATORIES**

Date Filed: December 5, 2014

Trial Date: Not set.

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant Arista Networks, Inc. ("Arista") requests that Plaintiff Cisco Systems, Inc. ("Cisco") answer in writing and under oath the following Interrogatories within thirty days of service hereof.

### DEFINITIONS AND INSTRUCTIONS

The following Interrogatories are to be read, interpreted, and answered with reference to the following definitions and instructions.

### DEFINITIONS

1. "Cisco," "you," and "your" means Cisco Systems, Inc., including all agencies, divisions, instrumentalities, establishments, and branches thereof; all of its agents, employees, directors, officers, predecessors in interest, successors in interest, parents and subsidiaries; and anyone acting on their behalf.
2. "Arista" refers to Defendant Arista Networks, Inc., including all agencies, divisions, instrumentalities, establishments, and branches thereof; all of its agents, employees, directors, officers, predecessors in interest, successors in interest, parents and subsidiaries; and anyone acting on their behalf.
3. "CLI Command" means any expression that is used or recognized as a command in a command line interface.
4. "Network Management Product" means any product used to monitor, configure, or otherwise manage network devices and/or their associated firmware and software, including without limitation Your CiscoWorks Networks Compliance Monitor product and all device drivers that it supports.
5. "Asserted Patents" refers to U.S. Patent No. 7,047,526 ("the '526 patent") and U.S. Patent No. 7,953,886 ("the '886 patent").
6. "Asserted Claim" means any claim of the Asserted Patents.
7. "Document" is defined to be synonymous in meaning and equal in scope to the usage of the term "documents or electronically stored information" in Federal Rule of Civil Procedure 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning

1 with the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

2 **INTERROGATORIES**

3 **INTERROGATORY NO. 1:**

4 State in detail Cisco's factual bases for each allegation of damage or harm that Cisco  
5 claims to have suffered as a result of any act or omission of Arista.

6 **INTERROGATORY NO.2:**

7 Identify with specificity every similarity that Cisco contends is a basis for its claim of  
8 copyright infringement, including the source material in Cisco's copyrighted work(s) that Cisco  
9 contends is the source of the similarity; the material in the allegedly infringing work(s) that Cisco  
10 contends reflects the similarity, and why Cisco contends that the source material is protected by  
11 copyright.

12 **INTERROGATORY NO. 3:**

13 State in detail Cisco's factual bases for its claim that any copyright infringement by Arista  
14 (or for which Cisco claims Arista is liable) was willful.

15 **INTERROGATORY NO. 4:**

16 State in detail Cisco's factual bases for each element of indirect copyright infringement,  
17 specifically including an identification of any direct infringement and a description of the acts of  
18 the alleged indirect infringer that contribute to or are inducing that direct infringement.

19 **INTERROGATORY NO. 5:**

20 State in detail the derivation of each CLI Command used by Cisco, including without  
21 limitation all CLI Commands that You contend Arista has unlawfully copied.

22 **INTERROGATORY NO. 6:**

23 Identify with specificity each copyrighted work (by copyright and registration number)  
24 that You contend Arista has unlawfully copied.

25 **INTERROGATORY NO. 7:**

26 Identify with specificity each Arista CLI Command that You contend infringes any  
27 copyrighted work identified in your response to Arista's Interrogatory No. 6, identify which  
28 work(s) it infringes, and explain in detail how each infringes.

reduced to practice; when, where, and to whom the invention was first disclosed; and identifying each person, including third parties, who worked on the development of the alleged invention(s) claimed in the asserted claim, describing each person's role (e.g., producer, developer, tester, technician, researcher, etc.), the dates and places each such person assisted, supervised, or was otherwise so involved, and the identity of all documents evidencing conception, diligence and reduction to practice.

**INTERROGATORY NO. 14:**

Identify and describe in detail all the manners or techniques by which each claim of the Asserted Patents improved upon the prior art, added functionality that did not exist in the prior art, or provided a variation on or upgrade of the prior art, and for each such claimed improvement, added functionality, variation, or upgrade, state whether Cisco contends it was a non-obvious or unpredictable improvement, addition of functionality, variation, or upgrade, and why.

**INTERROGATORY NO. 15:**

If You seek to recover lost profits by way of any claim in this matter, identify with specificity all bases on which You seek such recovery, including but not limited to identifying any and all facts, witnesses, evidence, communications and documents that You believe support Your claim for such recovery.

Dated: April 10, 2015

KEKER & VAN NEST LLP

By: */s/ Robert A. Van Nest*

ROBERT A. VAN NEST  
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## PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest LLP, 633 Battery Street, San Francisco, CA 94111-1809.

On April 10, 2015, I served the following document(s):

**DEFENDANT ARISTA NETWORKS, INC.'S FIRST SET OF INTERROGATORIES**

☒ by **E-MAIL VIA PDF FILE**, by transmitting on this date via e-mail a true and correct copy scanned into an electronic file in Adobe "pdf" format. The transmission was reported as complete and without error.

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1 Executed on April 10, 2015, at San Francisco, California.

2 I declare under penalty of perjury under the laws of the State of California that the above is true  
3 and correct.

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6 Patty Lemos  
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